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Attorneys for Plaintiffs VERONICA GUTIERREZ, ERIN
WALKER and WILLIAM SMITH, on behalf of themselves
and all others similarly situated,

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER and)
WILLIAM SMITH, as individuals, and on behalf)
of all others similarly situated,)

Plaintiffs,

v.

WELLS FARGO & COMPANY, WELLS)
FARGO BANK, N.A., and DOES 1 through 125,)

Defendants.)

Case No.: C 07-05923 WHA (JCSx)

Judge Assigned: Hon. William H. Alsup

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR CLASS
CERTIFICATION; EXHIBITS**

DATE: August 21, 2008

TIME: 8:00 a.m.

DEPT: Courtroom 9, 19th Floor

Original Complaint filed: November 21, 2007

Named Plaintiffs and Putative Class Representatives Veronica Gutierrez, Erin Walker, and
William Smith, on behalf of all others similarly situated, request that the Court take judicial notice
pursuant to Rule 201 of the Federal Rules of Evidence of the following:

1. Telephonic ruling in the San Diego County Superior Court for the case *Smith v. Wells Fargo*, case number GIC802664, dated February 6, 2004, a true and correct copy of which is attached hereto as Exhibit 1;
2. Minute Order of the San Diego County Superior Court for the *Smith* case, dated February 20, 2004, a true and correct copy of which is attached hereto as Exhibit 2; and

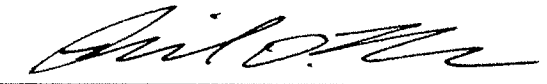
3. Ruling on Motion to Vacate Class Action Judgment by Claudia Sanchez, dated February 1, 2008, a true and correct copy of which is attached hereto as Exhibit 3.

These documents are relevant to Plaintiffs Motion for Class Certification regarding the issue of the proposed classes meeting the Federal Rules of Civil Procedure, Rule 23. Moreover, these documents may be noticed as a public record. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001).

DATED: July 10, 2008

McCUNE & WRIGHT, LLP

BY:



Richard D. McCune
Attorney for Plaintiffs